



DOCKET NO.:IBIS-0339

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of:

Griffey et al.

Conformation No.: 1982

Serial No.: 09/753,869

Group Art Unit: 1631

Filed: January 3, 2001

Examiner: M. L. Borin

For: **A METHOD OF IDENTIFYING *IN SILICO* EACH COMPOUND OF A VIRTUAL LIBRARY**

EXPRESS MAIL LABEL NO: EV 252263793 US
DATE OF DEPOSIT: March 25, 2003

Assistant Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900
RECEIVED
MAR 28 2003
PATENT & TRADEMARK OFFICE

#13/C
Zeta
3/29/03

AMENDMENT AND REQUEST FOR RECONSIDERATION

This is in response to the Office Action mailed on February 26, 2003. Please enter the following amendments without prejudice.

In the Claims:

Please cancel claims 1-11 and 14-26.

REMARKS

Claims 12 and 13 are pending and have been subjected to an additional restriction requirement. Applicants elect claim 12 with traverse.

The Office Action states that the two claims "will be subject to separate art and double-patenting rejections" as a basis for the restriction requirement. Applicant submit, however, that absent an additional burden on the Examiner, the requirement should be withdrawn.

M.P.E.P. 803 directs that when "the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." Thus, for a restriction requirement to be proper, the Examiner must establish the following two criteria: (1) the